

PARK PLACE COMMUNITY DEVELOPMENT DISTRICT

November 18, 2009 Minutes of Meeting

Minutes of the Regular Meeting

The regular meeting of the Board of Supervisors for Park Place Community Development District was held on Wednesday, November 18, 2009 at 4:00 p.m. at The Lake House, located at 11740 Casa Lago Lane, Tampa, Florida 33626.

1. CALL TO ORDER/ROLL CALL

Mr. Altman called the regular meeting of the Board of Supervisors of the Park Place Community Development District to order on Wednesday, November 18, 2009 at 4:00 p.m.

Board Members Present and Constituting a Quorum:

Linda Meyn	Chairman
Michael Rosen	Vice Chairman
Erica Lavina	Supervisor
Alex Petrilak	Supervisor
Darren Booth	Supervisor

Staff Members Present:

Peter Altman	District Manager, District Management Services, LLC
Tony Canorro	Assistant District Manager, District Management Services, LLC
John Vericker	District Counsel, Straley & Robin PA
Tonja Stewart	District Engineer, WilsonMiller, Inc. (<i>joined meeting in progress</i>)

Audience Members Present:

Ray Bradley	Owner, Raymow Enterprises
Jim Garrison	Representative, Greenbriar Landscaping
Trey McCullough	Representative, Stewart & Associates
Scott Carlson	Representative, Cornerstone Solutions Group
Residents	

Audience Members Present Via Speakerphone:

Residents

1. CALL TO ORDER

Mr. Altman called the meeting to order and read roll call.

2. BUSINESS ITEMS

A. Consideration of Landscape Maintenance Proposals

Ray Bradley with Raymow Enterprises reviewed their proposal and qualifications for the Board. Mr. Bradley highlighted Raymow's all inclusive pricing structure, company experience, account manager responsibilities and on-site inspections. Mr. Petrilak reiterated to Mr. Bradley that whoever was chosen for the contract would be subject to the approval of the Project Manager.

Jim Garrison with Greenbriar Landscaping gave an overview of their proposal and the benefit of their in house operations. General discussion ensued regarding Greenbriar's current contract with other CDD's, company contacts, all inclusive pricing structure, monthly inspection and proactive measures taken for foreseeable landscaping issues. Mr. Petrilak reiterated to Mr. Garrison that whoever was chosen for the contract would be subject to the approval of the Project Manager.

Trey McCullough with Stewart & Associates reviewed their proposal and their experience with similar CDD's the size of Park Place. Discussion ensued regarding Stewart & Associates employees for peak seasons and non-peak seasons, out-sourcing of sodding and price structure. Mr. McCullough highlighted his company's experience and consistency with service.

Scott Carlson with Cornerstone provided a brief overview of their proposal. Mr. Carlson highlighted his company's experience with community from a previous contract they held in the past. Discussion ensued regarding the \$50K higher difference in pricing with respect to the other bidders and the scope of service to be provided. Mr. Carlson identified the difference in pricing structure was due to anticipated irrigation.

Discussion ensued regarding how to proceed with payment for non-compliance to Stewart & Associates. It was concluded to table the discussion regarding Stewart & Associates until a more appropriate time.

The Board continued deliberation on the vendor/bidders for the landscaping contract. Mr. Altman informed the Board a ranking sheet was provided in the meeting book. Mr. Altman reiterated to the Board to first determine if all bidders are qualified. Mr. Vericker elaborated further on the ranking process for the Board. The Board deliberated over the qualifications and prices of the different vendors and determined that Raymow Enterprises was the lowest and most responsive and responsible bidder.

Mr. Canorro informed the Board that Stewart & Associates contract ended in October and he extended the contract for 30 day period and the new vendor would begin services on December 1, 2009. Mr. Canorro will be responsible beginning the contract process and the following conclusion was made:

MOTION TO:	Direct DMS to enter into negotiations with Raymow Enterprises as the landscape maintenance vendor and coordinate with Alex Petrilak to select an Account Manager from Raymow Enterprises.
MADE BY:	Supervisor Meyn
SECONDED BY:	Supervisor Rosen
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 4/1 - Motion passed (Supervisor Booth opposed) (0:47:38)

Ms. Meyn requested the Request for Proposals package and specifications be posted on the website. The Board discussed addressing the mulching schedule in the new contract.

3. BUSINESS ADMINISTRATION

A. Consideration of the Minutes of the Board of Supervisors Meeting on October 21, 2009 (Tab 1)

MOTION TO:	Approve the Minutes of the Board of Supervisors Meeting on October 21, 2009.
MADE BY:	Supervisor Booth
SECONDED BY:	Supervisor Rosen
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 5/0 - Motion passed unanimously

B. Consideration of Operation & Maintenance Expenditures November 2009 (Tab 2)

Ms. Meyn requested to withhold further payment to Stewart & Associates based on the uncompleted items and to outline the inefficiencies with District Counsel. Mr. Canorro will be responsible for speaking with Mr. Vericker on how to proceed regarding Stewart & Associates.

Discussion ensued regarding the wetlands. The Board requested Mr. Canorro to provide the monitoring and maintenance schedule of the wetlands at the next meeting. Mr. Altman suggested reviewing the overall Capital Improvement Plan at the next Board meeting.

MOTION TO:	Approve the Operation & Maintenance Expenditures November 2009.
MADE BY:	Supervisor Rosen
SECONDED BY:	Supervisor Petrilak
DISCUSSION:	With the stipulation to withhold payment to Stewart & Associates
RESULT:	Called to Vote: motion PASSED 5/0 - Motion passed unanimously

(Ms. Stewart joined the meeting in progress.)

4. BUSINESS ITEMS CONTINUED

A. Consideration of Encroachment Applications (Tab 5)

Mr. Altman reviewed the duties of the District Management Service with respect to the CDD. Mr. Altman stated District Management recommends the Board look at the resident requests to give them the right to maintain the encroachments that the residents have already caused to occur on the District land. Mr. Altman stated the District has previously taken action on a few of the encroachments and have made findings but the Board stopped the process and requested that District Staff research the minimal requirements to function. Mr. Altman reiterated to the Board that District Management's recommendation is they want to protect the Board from finding themselves in a selective enforcement process and establish a policy and procedure for encroachments. Mr. Altman stated Staff has sent out letters to the residents whose requests have already been denied. He reviewed the options available to the Board in determining policies and procedures.

Mr. Altman recommended that instead of having a license agreement that runs with the land forever and is resalable to the next party, the Board should come up with a period of time in which the license agreement would be valid. Mr. Altman stated if the District entered into a license agreement, the Board can require insurance coverage, solve some of the encroachment issues, avoid some expenses, and have a signed document reflecting that the District can revoke the encroachment if there is a need for the District land. Mr. Altman stated that aesthetic issues are HOA related and are not the charge of the District. The Board discussed the process to approve or deny the requests. Mr. Vericker stated that in considering a request, the Board needs to look at whether an encroachment will interfere with another resident's property and the safety of the structure and liability.

Mr. Rosen expressed his concerns with the ability for the Districts vendors to get in the areas to perform the necessary maintenance as well as liability issues. He stated that if the Board approves an

encroachment the resident needs to maintain insurance with \$2,000,000 in liability coverage and if the resident no longer has adequate coverage, the District reserves the right to demand the encroachment be removed within 30 days of noticing. Discussion ensued regarding potential lawsuits against the District and the liabilities of the District.

Mr. Altman stated that each homeowner will have three minutes to present their case and then questions will be entertained.

Ryan Kelly, who owns the home at 11626 Renaissance View Court, reviewed his encroachment request for the Board. Mr. Rosen asked Mr. Kelly if he would be willing to obtain additional liability insurance coverage to protect the District and himself. Mr. Kelly replied affirmatively. Mr. Booth asked Mr. Kelly to explain what his thought process was when he decided to build his fence beyond his property line. Mr. Kelly stated that it would not have been aesthetically pleasing and wouldn't have made sense to install the fence along his property line. It was stated that on several lots throughout the community the sprinklers were installed by the builder on CDD property. Mr. Altman stated that Mr. Kelly's fence encroaches 13 feet on the side as well as the back of his property. A Board member stated that CDD property should be available to all residents of the community to utilize. Ms. Stewart stated that the Board needs to consider the rear yard and side yard encroachments separately. She stated that she feels this side yard encroachment is acceptable. Ms. Stewart stated that the tree in the side yard causes as much problems as the narrowness of the pathway. She stated that as long as they have two points to be able to enter and exit the area, then it is acceptable. The Board discussed the amount of liability coverage they should require as part of the approving of the request and Ms. Stewart's recommendation of an acceptable encroachment. Mr. Booth stated that he does not feel they should allow the encroachment to remain and should possibly allow the resident a period of one or two years to resolve the encroachment. Ms. Lavina stated that she expressed her concerns with the five year period for the license agreement. She stated that she does agree that the agreement shouldn't be perpetuity but they may need to lengthen the term of the agreement.

MOTION TO:	Approve the encroachment request from Ryan and Cindy Kelly at 11626 Renaissance View Court subject to the homeowner obtaining sufficient insurance with \$2,000,000 liability and direct DMS and District Counsel to draft a five year license agreement and indemnification for the District.
MADE BY:	Supervisor Petrilak
SECONDED BY:	Supervisor Rosen
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 3/2-Motion passed (Supervisor Booth and Meyn opposed)

Mr. Rosen asked what timeframe they are going to give the homeowners in order to obtain the required insurance coverage. Mr. Booth stated that 60 days would be appropriate time frame. Mr. Rosen stated that the homeowners need to be aware that if they do not meet the specifications of the District Engineer, the encroachment will need be removed.

Mr. Altman stated that the Board just voted three to two in favor of the first encroachment. He stated that the two Supervisors that voted against the encroachment need to understand that there is now a policy out there that has been put in place on one lot. Mr. Altman stated that there is a Supervisor who isn't going to be able to vote on her own encroachment request and that will potentially put the Board in a two against

two position. He recommended that the Board members consider the consistency of the policy that they may not have agreed on.

Ms. Lavina of 1628 Greensleeve Avenue stated that her fence encroached 16 feet onto District property. She stated that they have 15 feet from the back of their house to their property line. Ms. Lavina stated that they needed to have usable space and to be able to fence in their property for their children's safety. Mr. Altman stated that one of his concerns has always been the privatization of District land. He stated that there is a gate which provides access to the property. A Board member expressed her disbelief that Ms. Lavina would welcome other people onto her property.

MOTION TO:	Approve the encroachment request from Jay and Erica Lavina at 11628 Greensleeve Avenue subject to the homeowner obtaining sufficient insurance with \$2,000,000 liability and direct DMS and District Counsel to draft a five year license agreement and indemnification.
MADE BY:	Supervisor Petrilak
SECONDED BY:	Supervisor Rosen
DISCUSSION:	None further
RESULT:	Called to Vote: motion FAILED 2/2/1 - Motion failed (Supervisor Booth and Meyn opposed, Supervisor Lavina abstained)

Supervisor Meyn expressed her concern regarding liability and community access being fair to all property owners. Mr. Petrilak asked if the District has received any complaints from any residents stating that they could not access District property because of a fence. It was stated that the District has received one complaint regarding line of sight.

Mr. Canorro stated that the Board voted on the request from Dale and Michelle Mayfield at 11624 Greensleeve Avenue in 2005 but the appropriate policies and procedures for communication were not in place and the resident was not informed. He stated that the encroachment in question is a small patio and some landscaping at the rear of a pool enclosure that is 37 feet from the pond. Mr. Canorro stated that the drainage easement runs off the corner of her property. Michelle Mayfield reviewed the history of their request to the District in regards to the encroachment.

MOTION TO:	Approve the encroachment request from Dale and Michelle Mayfield 11624 Greensleeve Avenue subject to the homeowner obtaining sufficient insurance with \$2,000,000 liability and direct DMS and District Counsel to draft a five year license agreement and indemnification.
MADE BY:	Supervisor Petrilak
SECONDED BY:	Supervisor Rosen
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 3/2- Motion passed (Supervisor Booth and Meyn opposed)

Mr. Canorro stated that the encroachment request from John and Rebecca Stapleton at 11608 Renaissance View Court was also considered at the April 20, 2005 Board of Supervisors meeting. He stated that the landscaping and irrigation improvements were approved but the fence was denied. Mr. Stapleton reviewed the history of their request to encroach onto District property. He stated that the sprinkler heads were installed beyond their property line and they decided to place the fence beyond the sprinklers. Mr. Stapleton stated that there is still plenty of room between his fence and the pond. He stated that his neighbors indicated that they do not have any issues with his fence. Ms. Stewart stated that a 15 foot rear yard encroachment would be acceptable. Discussion ensued regarding whether the homeowner would be able to purchase the piece of District property.

MOTION TO:	Approve the encroachment request from John and Rebecca Stapleton at 11608 Renaissance View Court subject to the homeowner obtaining sufficient insurance with \$2,000,000 liability and direct DMS and District Counsel to draft a five year license agreement and indemnification.
MADE BY:	Supervisor Petrilak
SECONDED BY:	Supervisor Rosen
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 3/2- Motion passed (Supervisor Booth and Meyn opposed)

Mr. Canorro stated that in the minutes from January 19, 2005 Board of Supervisors meeting, it reflects "Mr. Lamb stated that he had received correspondence from Paul Tomossone (homeowner) requesting additional time to remove the pavers installed into the common area. Mr. Lamb noted that, pursuant to the terms of the plat, improvements cannot be made in the area described without prior approval of the County Administrator. Ms. Larrinaga reviewed the provisions of the platting documents. She stated that a letter was sent to the resident requesting the removal of the pavers within thirty (30) days." He stated that the Tomossone's were given a 15 day extension to remove the pavers and they have not removed the pavers to date almost five years later. Mr. Altman stated that the District did not receive an application from the Tomossones; therefore the Board does not have to go through the hearing process.

MOTION TO:	Direct DMS to send a letter to Paul and Gina Tomossone at 11632 Greensleeve Avenue indicating that they are to remove the pavers within 60 days or the District will contract a vendor to remove the pavers at the homeowner's expense.
MADE BY:	Supervisor Booth
SECONDED BY:	Supervisor Rosen
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 5/0 - Motion passed unanimously

Mark Dranoff at 11642 Renaissance View Court stated that he did not submit an encroachment application but would like to address the Board before submitting the application. The Board discussed whether they would review the request tonight without the submission of an application. The Board decided to listen to the request to make a determination. Mr. Dranoff reviewed his fencing and landscaping that encroaches onto the drainage easement behind their home. Ms. Stewart stated that there is a possibility in the future that the landscaping and fencing would have to be removed so that they could gain access to the drainage. She removed the requirements of ingress and egress for drainage easements. Mr. Dranoff stated that the property in question shows on his survey on the Property Appraiser's website. Ms. Stewart stated that the acceptable encroachment in the rear yard would be 15 feet and the homeowner is only encroaching 13 feet.

MOTION TO:	Approve the encroachment request from Mark and Darcy Dranoff at 11642 Renaissance View Court subject to the homeowner submitting their application with 7 days and the homeowner obtaining sufficient insurance with \$2,000,000 liability and direct DMS and District Counsel to draft a five year license agreement and indemnification.
MADE BY:	Supervisor Petrilak
SECONDED BY:	Supervisor Rosen
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 3/2-Motion passed (Supervisor Booth and Meyn opposed)

The Board discussed whether allowing residents that did not follow the correct process to make an encroachment should be allowed to address the Board.

MOTION TO:	Direct DMS to send a letter to all homeowners who have encroachments that have not submitted applications indicating that they are to remove the encroachment within 60 days or the District will contract a vendor to remove the encroachment at the homeowner's expense.
MADE BY:	Supervisor Meyn
SECONDED BY:	Supervisor Booth
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 5/0 - Motion passed unanimously

Mr. Altman stated that in order to consider the request from John and Elizabeth Wimberly at 11330 Minaret Drive the Board will need to make a motion to reconsider the request as it has been previously considered.

MOTION TO:	Reconsider the encroachment request from John and Elizabeth Wimberly at 11330 Minaret Drive.
MADE BY:	Supervisor Rosen
SECONDED BY:	Supervisor Petrilak
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 5/0 - Motion passed unanimously

Ms. Wimberly stated that the position of the fence is within the recommendation by the District Engineer. She stated that in keeping with the policy that has been utilized for the previous approvals during the meeting there is ample space between the fence and the pond. Mr. Canorro stated that several months ago a lawnmower ended up in the pond because there was not ample space. Ms. Stewart reviewed the access points to the District land and ponds behind the homes. Ms. Wimberly stated that she mows the property beyond her fence line down to the pond. She stated that she is agreeable to the terms that have been set forth in the other approvals. Mr. Rosen stated that he is concerned that the fence is too close to the pond. He stated that he would approve the encroachment if the fence was moved back five feet. Ms. Stewart stated that she is able to perform the necessary maintenance on the pond with the fence located where it is currently.

MOTION TO:	Approve the encroachment request from John and Elizabeth Wimberly at 11330 Minaret Drive subject to the homeowner moving the fence five feet back within 60 days, obtaining sufficient insurance with \$2,000,000 liability and direct DMS and District Counsel to draft a five year license agreement and indemnification.
MADE BY:	Supervisor Petrilak
SECONDED BY:	Supervisor Rosen
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 3/2-Motion passed (Supervisor Booth and Meyn opposed)

MOTION TO:	Authorize and direct Staff to remove all items on District land to include Mr. West's trampoline and Ms. Tomossone's porch.
MADE BY:	Supervisor Booth
SECONDED BY:	Supervisor Meyn
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 5/0 - Motion passed unanimously

The Board continued discussing the encroachment request from Ms. Lavina and whether the Board should reconsider the request. Mr. Booth made a motion to approve the encroachment request subject to the same terms as previously set forth. Motion failed for lack of second. Mr. Altman stated that they could place this item on the next agenda. Discussion ensued regarding setting a precedent on approving the requests and being consistent.

(Ms. Stewart left the meeting in progress.)

B. General Matters of the District

Ms. Meyn noted that there was no Operations Report for this month and there were several items in the minutes from the previous meeting that required follow up. She asked if all of the lighting issues were handled as requested. Mr. Canorro stated that he will ask Fred Freshcorn to send Ms. Meyn an email with a list of the maintenance items and their progress. Ms. Meyn stated that at the last meeting, the Board requested clarification on why the Windsor/Mandolin liability insurance was higher than the Highland Park liability insurance. Mr. Canorro stated that he will send Ms. Meyn copies of the insurance policies and an explanation of why the fees were higher for Windsor/Mandolin. Ms. Meyn stated that there was also the landscape lighting that was rewired with some irrigation and the District paid a fee for that service. She stated that there was a question of who rewired the lighting and if the District could pass the expense to that party. Mr. Canorro stated that they are not aware who rewired the lighting and that the Estates irrigation clock was rewired as well. He stated that the landscape maintenance company would be the vendor who repairs irrigation. Ms. Meyn stated that Stewart & Associates should be responsible for the cost to repair the rewiring and the District should withhold the amount of the repair from their payment. Mr. Canorro stated that he specifically asked Stewart & Associates if they rewired the lighting and they confirmed that they did not. He stated that it could have been a prior vendor. Mr. Canorro stated that he will further research this issue.

Mr. Rosen stated he spoke to Noah Jacobsen with Greenacre to obtain a proposal to clean, re-stain, and the addition of a bird wire to be installed at the Highland Park boat docks. He stated that the District received a proposal from A Paradise Look to clean, sand, and re-stain the boat docks for \$1,850. Mr. Rosen stated that the total cost would be approximately \$4,000.

MOTION TO:	Pressure wash the Highland Park boat docks before the end of November.
MADE BY:	Supervisor Meyn
SECONDED BY:	Supervisor Petrilak
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 5/0 - Motion passed unanimously

Ms. Lavina expressed her concern regarding the bid they received to replace the capstone on the retaining wall in the reserve for \$8,000. She stated that just the one section is in need of repair and required repainting. Ms. Lavina stated that the cost should be around \$500 to \$1,000.

Ms. Lavina requested that the Board reconsider her encroachment request. Mr. Canorro stated that he does not have an aerial picture showing the exact encroachment distance. After discussion, Mr. Booth made a motion to approve the encroachment request subject to Ms. Lavina removing a four foot extension and agreeing to the same terms as previously set forth. Motion failed for lack of second.

MOTION TO:	Approve the encroachment request from Erica Lavina at 11628 Greensleeve Avenue subject to: the homeowner obtaining sufficient insurance with \$2,000,000 liability, DMS and District Counsel to drafting a five year license agreement and indemnification, and the homeowner removing a four foot extension of the fence
MADE BY:	Supervisor Booth
SECONDED BY:	None
DISCUSSION:	None further
RESULT:	Motion failed for lack of a second

MOTION TO:	Approve the encroachment request from Erica Lavina at 11628 Greensleeve Avenue subject to the homeowner obtaining sufficient insurance with \$2,000,000 liability and direct DMS and District Counsel to draft a five year license agreement and indemnification
MADE BY:	Supervisor Petrilak
SECONDED BY:	Supervisor Rosen
DISCUSSION:	None further
RESULT:	Called to Vote: motion FAILED 2/2/1 - Motion failed (Supervisor Booth and Meyn opposed)

5. STAFF REPORTS

A. District Manager

1. Financial Statement, Period Ending August 31, 2009 (Tab 6)
2. Fiscal Year 2010 Budget (Tab 7)
3. Operations Report

6. SUPERVISOR REQUESTS AND AUDIENCE COMMENTS

A. Communications

There were none.

7. ADJOURNMENT

MOTION TO:	Adjourn the Board of Supervisors Regular Meeting of the Park Place CDD.
MADE BY:	Supervisor Meyn
SECONDED BY:	Supervisor Rosen
DISCUSSION:	None further
RESULT:	Called to Vote: motion PASSED 4/1 - Motion passed (Supervisor Lavina opposed)

**These minutes were done in summary format.*

**Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.*

Meeting minutes were approved at a meeting by vote of the Board of Supervisors at a publicly noticed meeting held on February 17, 2010.

Linda Meyn
Signature

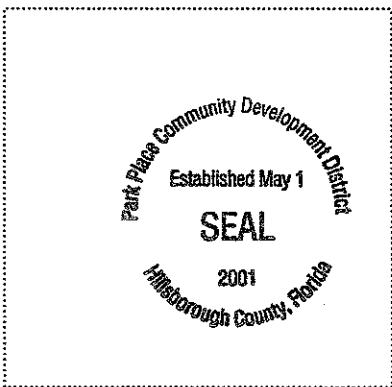
LINDA MEYN
Printed Name

Title:
 Chairman
 Vice Chairman

Peter Altman
Signature

Peter Altman
Printed Name

Title:
 Secretary
 Assistant Secretary



Recorded by Records Administrator

Jim Moraly
Signature

6/22/10
Date